

REMARKS

Claims 8-12, 14, and 16-22 remain in the application. Claim 8 is the only independent claim.

SUMMARY OF THE INVENTION

The invention, as defined by amended claim 8, comprises a sealing element of the type containing spaced-apart elastomeric sealing profiles 4, 5 between which, at given intervals, are formed de-coupling elements 7 for the purpose of acoustic dampening. The de-coupling elements 78 are made from an elastomer material, and are formed with a generally hemi-spherical crown as shown in Figures 1-3.

THE REJECTIONS

Claims 8-12, 14-17 and 21-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Poquet et al. (WO 99/13248). Claims 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Poquet et al.

Claims 8, 13 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Inciong '979 in view of Deppe '809.

ANALYSIS AND COMMENTS

By way of amendment, the Applicant has incorporated the entire subject matter of dependent claim 13 into independent claim 8. Accordingly, the Applicant's remarks herein are directed toward the latter obviousness rejection using Inciong and Deppe

presented against claims 8 and 13, since the rejections based on Poquet do not touch on claim 13.

Inciong discloses a cylinder head gasket seal including various ancillary openings 20 through which oil or water may pass between a cylinder head and a cylinder block. Because the openings 20 carry fluid, annular elastomeric sealing beads 22, 24 encircle the openings 20 to prevent leakage and/or contamination of the fluids. In the Office Action, the central sealing bead 22 is identified as corresponding to the Applicant's de-coupling element 7. However, the annular sealing bead 22 shown in Inciong is substantially different from, and fails to disclose or suggest, discrete de-coupling elements at given intervals between spaced-apart sealing profiles, and which de-coupling elements have a generally hemi-spherical crown. As a result, the Inciong disclosure does not teach or suggest the structural arrangement defined in amended claim 8. And likewise, Inciong is not capable of achieving the desired acoustic de-coupling results for which the subject invention is particularly suited.

Deppe discloses a cylinder head gasket in which the region between adjacent cylinders is thickened at 14b for the purpose of equalizing clamping forces exerted throughout the gasket. The thickened portion 14b is not elastomeric, but rather is of metallic composition (Deppe: Column 3, lines 2-6). Deppe thus teaches an incompressible thickened portion of metallic gasket 14b positioned between adjacent cylinder bores 16.

There is neither suggestion nor motivation to combine the teachings of Deppe with the teachings of Inciong to achieve spaced apart elastomeric sealing profiles with intermediate elastomeric de-coupling elements for acoustic affect. Neither of these references disclose de-coupling elements made of elastomer material positioned between

spaced-apart elastomeric sealing profiles, and where the de-coupling elements have a generally hemi-spherical crown.

The subject invention, as defined in amended claim 8, provides unique and advantageous acoustic de-coupling effects. The prior art fails to disclose or suggest all of the features defined in amended claim 8 which cooperate to accomplish the stated objectives. Therefore, the rejection based on 35 U.S.C. §103 is believed to have been overcome.

NON-SUBSTANTIVE AMENDMENTS

Dependent claim 15 has been cancelled, in view of the amendments to claim 8, to avoid redundancy with claim 14. Typographical errors are corrected in claims 19 and 20. In addition, claim 20 has been amended to clearly identify its intended dependency upon claim 8, as the Examiner had correctly assumed.

CONCLUDING REMARKS

Accordingly, it is respectfully submitted that the prior art (Deppe and Inciong in particular), fail to disclose or properly suggest the claimed spaced-apart elastomeric sealing profiles with intermediate elastomeric de-coupling elements having generally hemispherical crowns. The rejection under 35 U.S.C. §103 is thus understood to have been overcome.

Although the Applicant has not addressed any remarks toward the anticipation rejections based on Poquet (due to the incorporation of claim 13 into claim 8), it is submitted that Poquet, like Deppe and Inciong fails to disclose or properly suggest the

claimed spaced-apart elastomeric sealing profiles with intermediate elastomeric decoupling elements having generally hemispherical crowns.

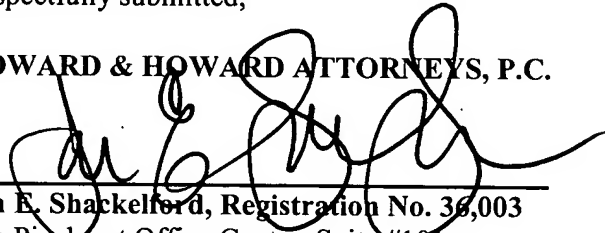
Accordingly, it is believed that this application now is in condition for allowance. Further and favorable action is requested. The undersigned representative of the Applicant respectfully invites a telephonic interview should the Examiner deem such warranted for the purposes of advancing prosecution in this application.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

3-16-05
Date


Jon E. Shackelford, Registration No. 36,003
The Pinchurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(734) 222-1098

Certificate of Mailing Under 37 C.F.R. 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service bearing Express Mail Label No: EV 602879530 US in an envelope addressed to:

Mail stop: Amendments
Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

on 3-17-2005

Rainie Mills
Rainie L. Mills